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MEMORANDUM

TO: JACK QUIGLEY
Policy and Research Division
Department of Medical Assistance Services

FROM: ELIZABETH A. MCDONALD
Special Counsel to DMAS

DATE: August 30, 2007

SUBJECT: Proposed Regulations concerning Medicaid Buy-In Program for Working Disabled Medicaid Recipients

I have reviewed the attached proposed regulations concerning the establishment of the Medicaid Buy-In Program.

Based on that review, it is this Office's view that the Director, acting on behalf of the Board pursuant to Va. Code § 32.1-324, has the authority to promulgate these regulations, subject to compliance with the provisions of Article 2 of the Administrative Process Act and has not exceeded that authority. The regulations will enable the Director, in lieu of the Board of Medical Assistance Services, to establish the Medicaid Buy-In Program for Working Disabled Medicaid Recipients. The changes were first made by the promulgation of emergency regulations.

The authority for the previously promulgated emergency regulations is Item 302 X of the 2006 Appropriation Act. These regulations will ensure that DMAS complies with this mandate of the General Assembly.

Jack Quigley
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If you have any questions or need additional information, please feel free to contact me at 786-3890.

cc: Kim F. Piner
Senior Assistant Attorney General